

Attachment to Interview Summary

1. Applicant called to discuss possible declaration evidence to distinguish over the art rejections. Applicant was advised that any experimental comparisons must state how any tested samples relate to the cited prior art. The examiner indicated that if the person doing the testing cannot testify as to the source of the samples tested, then another expert may testify as to the source of the samples and how they relate the closest cited prior art. The examiner indicated that the claims should be commensurate in scope to the evidence submitted to show an unexpected result. The examiner also stated that any evidence that is used to distinguish over the art rejections would be part of the public record and not considered as confidential.

Applicant also asked about the new matter rejection. Applicant argued that the new limitation of "no folds" was inherent in the instant product. The examiner indicated that applicant must prove that the limitation is inherent in the product as claimed and not just inherent in any preferred embodiment in the instant specification. Applicant was advised to review the MPEP sections on new matter, inherency, and negative limitations in MPEP 2163.07(a) and MPEP 2173.05(i).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww
April 27, 2009

/William P. Watkins III/

Primary Examiner, Art Unit 1794